

**AMENDMENTS TO THE DRAWINGS:**

The attached drawing is a Replacement Sheet for FIG. 2. In FIG. 2, the notation "UPD" has been replaced with --UDP-- in accordance with the Examiner's request in the Office Action mailed July 9, 2008.

Approval of these changes to the Drawings is respectfully requested.

**REMARKS**

In the Office Action mailed July 9, 2008, the Office Action noted that claims 10-24 were pending and rejected claims 10-24. No claims have been cancelled, no claims have been amended, new claim 25 has been added; and thus, in view of the foregoing, claims 10-25 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Office Action's rejections and objections are respectfully traversed below.

**Rejection of Claims 10, 17 and 24 under 35 U.S.C. §103**

At item 5, on page 3 of the Office Action, claims 10, 17 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aust et al., Design Issues of Mobile IP Handoffs Between GPRS Networks and WLAN Systems (hereinafter "Aust") in view of Guo et al. (U.S. Patent No. 6,982,949) (hereinafter "Guo"). This rejection is respectfully traversed.

Aust discusses a demonstrator prototype which implements mobile IP handoffs between GPRS and WLAN systems (See Abstract). The study discusses the desire to demonstrate that user mobility between GPRS and WLAN can be realized with Mobile IP. (See page 3, column 2). The experiment in Aust is entirely related to elimination of packet loss **during the handoff**. (See page 4, column 1, last paragraph and corresponding graphs in column 2).

Guo discusses a system and method for handoff between different types of wireless networks. (See Abstract). Vertical handoffs are delayed as long as possible to take advantage of high quality of service networks. (See Abstract). Guo discusses a policy manager which **initiates a handoff** by sending a Handoff Now command which automatically performs handoffs.(column 17, line 66 – column 18, line 6). While Guo discusses automatic initiation of handoffs between networks and comparison of quality of service between networks, nothing cited in the Office Action discusses preparing for handoff and preventing data loss during the handoff.

The Office Action, on page 4, admits that Aust does not specifically teach “in including, as a function of the at least one quality parameter, **either relaying, in preparation for the handover, at least one message received by a currently supplying network access device from the physical layer to the network layer, or suppressing of the at least one message.**”

(emphasis supplied) However, the Office Action alleges that Guo teaches the above recited feature in column 14, lines 26-34, column 15, lines 37-43, column 17, lines 8-34 and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Aust and Guo “for the purpose of reducing the rate of unnecessary vertical handoffs and higher overall quality of service for a mobile computing device roaming between wireless network types as taught by Guo in column 2, lines 45-57.” However, this is incorrect.

In light of the above discussion, it is respectfully submitted that claim 10 is patentably distinguishable from Aust and Guo, because either alone in combination, nothing has been found or cited in the Office Action which teaches or suggests, the claimed:

**in preparation for the handover at least one message received by a currently supplying network access device is relayed from the physical layer to the network layer or suppressed as a function of at least one determined quality parameter.** (emphasis supplied)

While Guo discusses a Policy Manager that sends the **Handoff Now** command as well as alarms and notifications, according to the above claimed feature, messages are relayed or suppressed **from the physical layer to the network layer**. (See paragraph [0041] and Figure 3 and 4 POLIMAND). (emphasis supplied) However, Figure 4 of the present Application indicates how the POLIMAND (between “the physical layer to the network layer”) functions to speed up the handoff, but not actually initiate it, which is not taught or suggested by Guo or Aust. Thus, claim 10 is patentably distinguishable from Guo and Aust because nothing cited in Guo teaches or suggests “**in preparation for the handover**” relaying or suppressing messages “from the physical layer to the network layer.” (emphasis supplied) In other words, Guo discusses initiating handoff via the Handoff Now command, to keep quality of service high, while claim 1 recites “in preparation for the handoff” to prevent data loss during a handoff to occur.

Independent Claims 17 and 24 are patentably distinguishable over Aust and Guo, either alone or in combination, for reasons similar to those provided above.

### Rejection of Claims 11-16 and 18-23 under 35 U.S.C. § 103

At item 6, on page 5 of the Office Action, claims 11-16 and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aust view of Guo and further in view of Wolman et al. (U.S. Patent Application Number 2004/0185887) (hereinafter "Wolman"). This rejection is respectfully traversed.

Wolman discusses multi radio unification protocol (MUP) for providing frequency diversity. Further, wireless network node with two radio transceivers can make simultaneous transmissions using multiple channels to increase the overall capacity of the network. (See Abstract). The MUP conceals the complexity of the network interface cards by appearing as a single virtual MAC interface. (See paragraph [0036]). However, nothing found or cited in Wolman notes that Wolman is related to handoffs between wireless networks, but is rather related to eliminating interference between physically close radios by attempting to find the radio channel with the lightest load. (See paragraph [0031]). Wolman notes that "the invention is applicable to other kinds of channel quality metrics" but since MUP is not involved in decisions related to handoffs between wireless networks, one of ordinary skill in the art would not have combined Wolman with Aust or Guo. (See paragraph [0031]).

In light of the above discussion, it is respectfully submitted that claims 11-16 and 18-23 are patentably distinguishable from the cited references for at least the reasons above because claims 11-16 and 18-23 depend upon independent claims 10 and 17, respectively.

The dependent claims depend from the above discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 11 recites **"making a decision regarding said relaying" in preparation for handover "in an intermediate layer arranged between the link layer and the mobility-controlling network layer."** In particular, the cited references do not teach the above-quoted feature. It is thus submitted that claim 11 and all other dependent claims in the Application are independently patentable over the cited references.

### New Claim 25

New claim 25 recites:

**determining in an intermediate layer in preparation for the handover, whether messages received on a physical layer should be relayed to a network layer, based on at least one threshold value.**

Therefore, claim 25 is patentably distinguishable over the cited references.

### Summary

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome. Further, all pending claims patentably distinguish over the cited references. There being no further outstanding objections or rejections, it is submitted that the Application is in condition for allowance. An early action to that effect is courteously requested.

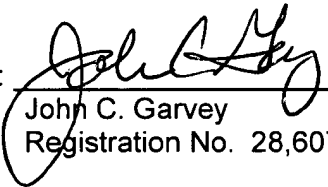
Finally, if there are any formal matters remaining after this response, the Examiner is respectfully requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Preliminary Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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